

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Walter McNutt, on February 16, 2007
at 3:22 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Walter McNutt, Chairman (R)
Rep. Ron Erickson, Vice Chairman (D)
Rep. Ralph Heinert, Vice Chairman (R)
Rep. Duane Ankney (R)
Rep. Debby Barrett (R)
Rep. Jill Cohenour (D)
Rep. Sue Dickenson (D)
Rep. Betsy Hands (D)
Rep. Gordon R. Hendrick (R)
Rep. Carol Lambert (R)
Rep. Scott Mendenhall (R)
Rep. JP Pomnichowski (D)
Rep. John (Jack) W. Ross (R)
Rep. Veronica Small-Eastman (D)
Rep. Kendall Van Dyk (D)
Rep. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Krista Lee Evans, Legislative Branch
Nancy Kraft, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 383, 1/30/2007; HB 555,
2/12/2007; HB 560, 2/12/2007; HJ
34, 2/12/2007; HJ 24, 2/2/2007
Executive Action: HB 304; HB 205; HB 203; HB 261; HB
262; HB 271; HB 276; HB 320; HB
460; HB 401; HJ 15; HJ 34

HEARING ON HB 383

Opening Statement by Sponsor:

00:02:27 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 383, Generally revise water discharge laws.

EXHIBIT (nah35a01)

Proponents' Testimony:

00:04:36 Senator Keith Bales, Senate District 20

EXHIBIT (nah35a02)

00:08:32 Steve Pilcher, Montana Stockgrowers' Association

00:10:44 John Youngberg, Montana Farm Bureau

00:11:20 Jae Notti

00:12:22 Mark Moreland

00:13:24 Bruce Porter, Thousand Hills Ranch, Big Horn County

00:14:19 Connie Wilson, Citizens for Resource Development

00:16:39 Dick Wilson, Citizens for Resource Development

00:17:37 Max Morris, Citizens for Resource Development

EXHIBIT (nah35a03)

00:18:49 Robert Morris

EXHIBIT (nah35a04)

00:19:51 Amanda Morris

EXHIBIT (nah35a05)

00:20:54 Connie Morris

EXHIBIT (nah35a06)

00:23:16 John Metropoulos, Fidelity Exploration and Production Company

00:24:36 Mike Murphy, Montana Water Resources Association

00:25:21 Brian Johnston, Pinnacle Gas Resources, Sheridan, Wyoming

00:26:09 Gail Abercrombie, Montana Petroleum Association

00:26:40 Tom Ebzery, Nance Petroleum

Opponents' Testimony:

00:27:41 Art Hayes, Jr., Birney, Montana Tongue River Water Users' Association

EXHIBIT (nah35a07)

00:33:14 Julia Page, Northern Plains Resource Council

EXHIBIT (nah35a08)

00:37:35 Robert Throssell, Montana Wildlife Federation

00:38:11 Anna Peterson, Montana Environmental Information Center

Informational Testimony:

00:40:30 Rep. Sue Dickenson, House District 25

Questions from Committee Members and Responses:

00:47:59 Rep. Lambert
00:48:51 Max Morris
00:49:26 Connie Morris
00:52:26 Rep. Lambert
00:52:32 Connie Morris
00:53:25 Rep. Lambert
00:53:40 Sen. Bales
00:57:50 Rep. Van Dyk
00:58:15 Mr. Porter
00:59:18 Rep. Van Dyk
00:59:45 Rep. Kerns
01:01:06 Rep. Van Dyk
01:01:33 Mr. Hayes
01:02:12 Rep. Erickson
01:03:02 Bonnie Lovelace, Department of Environmental Quality
(DEQ)
01:04:26 Rep. Erickson
01:05:26 Rep. Kerns
01:07:53 Rep. Ankney
01:08:13 Connie Morris
01:10:47 Rep. Ankney
01:11:03 Sen. Bales
01:11:39 Rep. Cohenour
01:11:55 Ms. Lovelace
01:13:05 Tom Reid, DEQ
01:17:02 Rep. Cohenour
01:17:09 Mr. Hayes
01:18:50 Rep. Mendenhall
01:19:24 Mr. Reid
01:20:08 Rep. Mendenhall
01:20:27 Mr. Metropoulos
01:21:57 Rep. Ross
01:22:28 Sen. Bales
01:24:00 Mr. Reid
01:26:05 Rep. Pomnichowski
01:26:25 Rep. Kerns
01:26:58 Krista Evans
01:27:38 Rep. Pomnichowski
01:27:59 Rep. Kerns
01:29:00 Rep. McNutt
01:29:13 Sen. Bales
01:32:43 Rep. Cohenour
01:32:56 Ms. Evans
01:33:37 Rep. Barrett
01:34:11 Mr. Reid
01:35:27 Rep. Lambert
01:35:58 Mr. Reid
01:36:15 Rep. Hands

01:37:06 Mr. Reid
01:38:05 Rep. Hands
01:38:23 Mr. Hayes
01:39:26 Rep. Small-Eastman
01:39:58 Robert Morris
01:40:25 Rep. Small-Eastmen
01:41:08 Mr. Metropoulos

Closing by Sponsor:

01:42:55 Rep. Kerns

01:44:19 Break

HEARING ON HB 555

Opening Statement by Sponsor:

01:56:31 Rep. Wanda Grinde (D), HD 48, opened the hearing on HB 555, Public education program for recycling and electronic waste disposal.

EXHIBIT (nah35a09)

Proponents' Testimony:

02:00:15 Tyler Evilsizer, SAVE Foundation
02:02:32 Anna Peterson, Montana Environmental Information Center
02:03:17 Brandon Fox, Billings Tetaween Electronics System, Billings, Montana

Opponents' Testimony: None

Informational Testimony:

02:04:58 Brian Spangler, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

02:05:09 Rep. Ankney
02:05:41 Rep. Grinde
02:06:17 Rep. Dickenson
02:06:32 Mr. Fox
02:07:23 Rep. Heinert
02:07:34 Mr. Fox
02:08:19 Rep. Erickson
02:08:39 Mr. Spangler

RepClosing by Sponsor:

02:09:43 Rep. Grinde

HEARING ON HB 560

Opening Statement by Sponsor:

02:10:38 Rep. Dave McAlpin (D), HD 94, opened the hearing on HB 560, Phase out the use of polybrominated diphenyl ethers.

[EXHIBIT\(nah35a10\)](#)

Proponents' Testimony:

02:15:54 Rep. Teresa Henry, House District 96

02:24:17 Erin Thompson, Women's Voices for the Earth

[EXHIBIT\(nah35a11\)](#)

Opponents' Testimony:

02:29:55 Haley Beaudry, Bromine Science and Environmental Foundation

[EXHIBIT\(nah35a12\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

02:43:54 Rep. Lambert
02:44:34 Rep. Dickenson
02:44:49 Rep. McAlpin
02:46:13 Rep. Erickson
02:47:11 Rep. McAlpin
02:48:56 Rep. Heinert
02:49:45 Rep. McAlpin
02:51:32 Rep. McNutt
02:52:14 Rep. McAlpin
02:52:40 Rep. Cohenour
02:53:03 Rep. McAlpin
02:53:13 Rep. Cohenour
02:53:48 Rep. Henry
02:55:03 Rep. Mendenhall
02:55:41 Rep. McAlpin
02:56:33 Rep. Barrett
02:56:51 Rep. McAlpin
02:57:06 Rep. Barrett
02:57:20 Ms. Thompson

Closing by Sponsor:

02:58:44 Rep. McAlpin

03:00:23 Break

HEARING ON HJ 24

Opening Statement by Sponsor:

03:10:53 Rep. Betsy Hands (D), HD 99, opened the hearing on HJ 24, Urge ban of exportation of elemental mercury.

Proponents' Testimony:

03:19:42 Erin Thompson, Women's Voices for the Earth

03:23:03 Anna Peterson, Montana Environmental Information Center

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:24:09 Rep. Ankney

03:24:50 Rep. Hands

Closing by Sponsor:

03:25:49 Rep. Hands

HEARING ON HJ 34

Opening Statement by Sponsor:

03:27:05 Rep. Kendall Van Dyk (D), HD 49, opened the hearing on HJ 34, Urge protection of Big Horn River.

Proponents' Testimony:

03:32:34 Mark Aagenes, Montana Trout Unlimited

03:34:58 Bob Lane, Department of Fish, Wildlife, and Parks

EXHIBIT (nah35a13)

03:36:57 Robin Cunningham, Fishing Outfitters' Association of Montana

03:37:59 Veronica Small-Eastman

Opponents' Testimony: None

Informational Testimony:

03:41:22 Faye Bergan, Reserve Water Rights Compact Commission

Questions from Committee Members and Responses:

03:41:55 Rep. Barrett

03:42:07 Ms. Bergan

Closing by Sponsor:

03:43:23 Rep. Van Dyk

03:45:04 Break

EXECUTIVE ACTION ON HB 304

03:50:01 **Motion:** Rep. Pomnichowski moved that HB 304 **DO PASS**.

03:51:05 **Motion:** Rep. McNutt moved that HB 304 **BE AMENDED**.

EXHIBIT (nah35a14)

Discussion:

03:51:16 Rep. McNutt

03:57:05 Rep. Erickson

03:57:11 Rep. Van Dyk

03:59:02 Rep. Dickenson

04:00:16 Rep. Pomnachowski

04:02:25 Rep. Hendrick

04:03:31 Rep. Cohenour

04:03:53 Rep. Erickson

04:04:44 **Vote:** Motion carried unanimously by voice vote.

04:05:04 **Motion/Vote:** Rep. Erickson moved that HB 304 **DO PASS**
AS AMENDED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 205

04:06:21 **Motion:** Rep. Heinert moved that HB 205 **DO PASS**.

04:07:16 **Motion:** Rep. Lambert moved that HB 205 **BE AMENDED**.

EXHIBIT (nah35a15)

Discussion:

04:07:51 Krista Evans

04:17:54 Rep. Erickson

04:19:21 Ms. Evans

04:21:46 Rep. Cohenour

04:22:09 Rep. McNutt

04:23:01 Ms. Evans
 04:25:07 Rep. Cohenour
 04:25:45 Ms. Evans
 04:26:17 Rep. Pomnachowski
 04:26:54 Ms. Evans
 04:28:30 Rep. Ross
 04:29:39 Rep. McNutt
 04:30:00 Rep. Erickson
 04:30:45 Ms. Evans
 04:31:10 Rep. Cohenour
 04:31:23 Ms. Evans
 04:32:09 Rep. Cohenour

04:33:08 **Vote:** Motion carried unanimously by voice vote.
 04:33:30 **Motion:** Rep. Heinert moved that HB 205 **DO PASS AS AMENDED.**

Discussion:

04:33:45 Rep. Small-Eastman
 04:34:17 Ms. Evans
 04:34:47 Rep. Erickson
 04:35:31 Rep. McNutt

04:36:50 **Vote:** Motion carried 13-3 by roll call vote with Reps. Pomnichowski, Rep. Ross, and Rep. Van Dyk voting no.

EXECUTIVE ACTION ON HB 203

04:38:40 **Motion:** Rep. Erickson moved that HB 203 **DO PASS.**

Discussion:

04:38:55 Rep. Mendenhall

04:39:21 **Substitute Motion/Vote:** Rep. Hendrick made a substitute motion that HB 203 **BE TABLED.** Substitute motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 261

04:39:59 **Motion:** Rep. Heinert moved that HB 261 **DO PASS.**
 04:41:56 **Motion:** Rep. Heinert moved that HB 261 **BE AMENDED.**
EXHIBIT (nah35a16)
 04:42:09 **Vote:** Motion carried unanimously by voice vote.
 04:42:17 **Motion:** Rep. Heinert moved that HB 261 **DO PASS AS AMENDED.**

Discussion:

04:42:28 Rep. Erickson
 04:42:56 Rep. Hendrick
 04:43:13 Rep. Mendenhall
 04:44:49 Rep. Ankney
 04:45:13 Rep. Cohenour
 04:46:02 Rep. Erickson
 04:46:12 Rep. Barrett
 04:47:28 Rep. Hands
 04:48:44 Rep. Lambert

04:49:26 **Vote:** Motion failed 7-9 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye.

04:50:47 **Substitute Motion/Vote:** Rep. Heinert made a substitute motion that HB 261 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 262

04:51:52 **Motion:** Rep. Erickson moved that HB 262 **DO PASS.**

Discussion:

04:52:02 Rep. Cohenour
 04:53:00 Rep. McNutt
 04:53:43 Rep. Cohenour
 04:53:51 Rep. Ross
 04:54:24 Rep. Van Dyk
 04:54:56 Rep. Barrett
 04:55:22 Rep. Mendenhall
 04:56:28 Rep. Cohenour

04:57:13 **Vote:** Motion failed 7-9 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye.

04:58:14 **Substitute Motion/Vote:** Rep. Heinert made a substitute motion that HB 262 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 271

04:58:45 **Motion:** Rep. Heinert moved that HB 271 **DO PASS.**

04:59:01 **Motion:** Rep. McNutt moved that HB 271 **BE AMENDED.**

EXHIBIT(nah35a17)

Discussion:

05:00:08 Rep. Dickenson

05:01:33 **Vote:** Motion carried unanimously by voice vote.

05:01:43 **Motion:** Rep. Heinert moved that HB 271 **DO PASS AS AMENDED.**

Discussion:

05:01:56 Rep. Van Dyk

05:05:16 Rep. Erickson

05:06:33 Rep. Dickenson

05:07:08 Rep. Mendenhall

05:08:40 Rep. Cohenour

05:10:30 Rep. Small-Eastman

05:11:17 Rep. Lambert

05:12:14 **Vote:** Motion carried 9-7 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting no.

EXECUTIVE ACTION ON HB 276

05:13:33 **Motion:** Rep. Heinert moved that HB 276 **DO PASS.**

Discussion:

05:14:12 Rep. Erickson

05:14:35 Rep. Van Dyk

05:15:55 Rep. Heinert

05:16:52 Rep. Erickson

05:17:32 Rep. Hands

05:18:57 Rep. Mendenhall

05:19:28 Rep. Ankney

05:20:13 **Vote:** Motion carried 9-7 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting no.

EXECUTIVE ACTION ON HB 320

05:21:57 **Motion:** Rep. Erickson moved that HB 320 **DO PASS.**

05:22:07 **Motion/Vote:** Rep. Ross moved that HB 320 **BE AMENDED.** Motion carried unanimously by voice vote.

05:22:42 **Motion/Vote:** Rep. Ross moved that HB 320 **DO PASS AS AMENDED.** Motion failed 4-12 by roll call vote with Reps. Ankney, Hendrick, Ross, and Van Dyk voting aye.

05:24:13 **Substitute Motion/Vote:** Rep. Heinert made a substitute motion that HB 320 **BE TABLED AND THE VOTE REVERSED**. Substitute motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 460

05:24:46 **Motion:** Rep. Small-Eastman moved that HB 460 **DO PASS**.

Discussion:

05:25:51 Rep. Mendenhall

05:25:57 Without objection, Rep. Small-Eastman withdrew her motion on HB 460.

EXECUTIVE ACTION ON HB 401

05:26:00 **Motion:** Rep. Small-Eastman moved that HB 401 **DO PASS**.

Discussion:

05:27:32 Rep. Cohenour

05:28:03 Rep. Heinert

05:28:27 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HJ 15

05:29:14 **Motion/Vote:** Rep. Erickson moved that HJ 15 **BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HJ 34

05:30:11 **Motion:** Rep. Van Dyk moved that HJ 34 **BE ADOPTED**.

Discussion:

05:30:24 Rep. Heinert

05:32:10 Rep. McNutt

05:32:13 Rep. Van Dyk

05:32:25 **Vote:** Motion carried unanimously by voice vote.

Additional Exhibit:

Document pertaining to HJ 31; Hearing date 2/14/07

EXHIBIT (nah35a18)

Document pertaining to HB 261; Hearing date 2/02/07

EXHIBIT (nah35a19)

ADJOURNMENT

05:33:05 Adjournment: 8:55 P.M.

REP. WALTER MCNUTT, Chairman

NANCY KRAFT, Secretary

WM/nk

Additional Exhibits:

EXHIBIT ([nah35aad.pdf](#))